

D/L. 73
February 2, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 45 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.01.2023 in connection with Matigara Police Station Case No. 1201 of 2021 dated 18.10.2021 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Dipak Das @ Khepa

.... Petitioner

Mr. Subhasish Misra,
Mr. Swarup Das,
Mr. mayank Roy

... for the petitioner

Mr. Nilay Chakraborty,
Ms. Namrata Das

... for the State

Heard learned counsel for the parties.

The petitioner is in custody for about 440 days, although there are charges under the NDPS Act against the petitioner. The prayer for bail is opposed by the State, inter alia, on the submission that a commercial quantity of contraband material was found from the possession of the petitioner. Since, in our opinion, the petitioner's liberty has been sufficiently curtailed in view of the prolonged period of custody already suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 45 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.10,000/-, with two sureties of like amount each, one of whom

must be local, to the satisfaction of the learned Judge, Special Court (under NDPS Act), at Siliguri.

The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioner, further, shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)